

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re

CASE NO: **16-03913-JAF**

LILLY J. REAL,

Debtor.

/

MOTION FOR SANCTIONS AGAINST CREDITOR, FRANK POLO

The Debtor, **LILLY REAL**, moves the Court to enter sanctions against Creditor, Frank Polo for violating her discharge injunction and states:

1. Lilly Real was previously appointed by the family court in Dade County Florida to do a home study in which creditor, Frank Polo was a father.
2. Thereafter, Debtor moved to Jacksonville Florida and filed a Chapter 7 Bankruptcy on October 24, 2016.
3. The Debtor had no reason to believe that Creditor, Frank Polo would claim she owed him any money, so was not initially listed as a creditor.
4. Thereafter, Frank Polo sued the Debtor in Dade County Florida for issues arising out of her acts as a court appointed Guardian ad Litem to conduct a home study.
5. Upon learning of this lawsuit, Debtor amended her schedules on April 4, 2017 to include Frank Polo as a creditor. Additionally, a Suggestion of Bankruptcy was filed in the case to advise the court of the Debtor's bankruptcy.
6. Thereafter, creditor continued with the litigation in Dade County Florida.
7. On July 26, 2017 the undersigned attorney advised Frank Polo, by email, that his actions were in violation of Ms. Real's discharge injunction, and further advised him that he would be subject to sanctions if he continued.
8. Notwithstanding the above, Creditor Frank Polo has continued with the litigation in Dade County Florida, causing the Debtor to incur legal fees, as well as emotional stress and further, exposes her to expenses of travel, further emotional stress and further legal fees.
9. Debtor has incurred legal fees for the undersigned for the bringing of this action against Frank Polo.

WHEREFORE, the Debtor prays the Court to enter an Order imposing sanctions against Frank Polo, award attorney's fees for the bringing of this motion for sanctions and further enjoining him many further attempts to collect alleged debts against Debtor Lilly Real

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to his regular place of business: Frank E. Polo, 1475 SW 8th Street, Apt. 411, Miami, FL 33135 by Certified and regular U.S. Mail this 22nd day of September, 2017.

/s/ Edward P. Jackson
EDWARD P. JACKSON
Attorney for Debtor
255 N. Liberty Street, First Floor
Jacksonville, FL 32202
(904) 358-1952 VOICE
(904) 358-1288 FAX
Florida Bar #286648